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FREEHILL HOGAN & MAHAR LLP
Attorneys for Petitioners
Navig8 Chemicals Asia PTE, Ltd. and
Navig8 Chemicals Pool, Inc.
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New York, New York 10005
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Michael E. Unger
Jan P. Gisholt

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In the Matter of the Arbitration Between:

15 CIV _____ ()

NAVIG8 CHEMICALS ASIA PTE, LTD. and
NAVIG8 CHEMICALS POOL, INC. (NAVIG8),
Petitioners,

-v-

**VERIFIED PETITION TO
CONFIRM ARBITRAL
AWARD**

CREST ENERGY PARTNERS LP,
Respondent.

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Petitioners, NAVIG8 CHEMICALS ASIA PTE, LTD. and NAVIG8 CHEMICALS POOL, INC. ("NAVIG8"), by their attorneys, FREEHILL HOGAN & MAHAR LLP, as and for their petition to confirm an arbitral Award rendered in their favor and against Respondent CREST ENERGY PARTNERS LP (hereinafter "CREST"), allege upon information and belief as follows:

1. This is a case within the Court's admiralty and maritime jurisdiction pursuant to 28 U.S.C. §1333, and is a maritime claim within the meaning of Rule 9(h) of the Federal Rules

of Civil Procedure, in that it involves the confirmation of an arbitral award relating to the breach of a maritime contract of charter party. Jurisdiction also exists pursuant to the Federal Arbitration Act 9 U.S.C. §1 *et. seq.* and 28 U.S.C. §1331 and 9 U.S.C. §§ 201, 203 and 207, in that the award falls under the Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

2. At all times material hereto, Petitioner NAVIG8 CHEMICALS ASIA PTE, LTD. was a business entity organized and existing pursuant to the laws of a foreign country with an office and principal place of business located at 3 Temasek Avenue, #25-01 Centennial Tower, Singapore, 039190. At all relevant times, NAVIG8 CHEMICALS ASIA PTE, LTD. was the commercial operator of the chemical/products tanker SONGA PEACE.

3. At all times material hereto, Petitioner NAVIG8 CHEMICALS POOL, INC. was a business entity organized and existing pursuant to the laws of a foreign country with an office and principal place of business located at 3 Temasek Avenue, #25-01 Centennial Tower, Singapore, 039190. At all relevant times, NAVIG8 CHEMICALS POOL, INC. was the time chartered (disponent) owner of the SONGA PEACE.

4. At all times material hereto, the Respondent CREST was and still is a corporation or other business entity duly organized and/or existing under the laws of the State of Delaware, with its registered office at 7026 Old Katy Road, Suite 201, Houston, Texas 77024.

5. Under a charter party dated July 15, 2014 (the "Charter"), NAVIG8, as disponent owner and/or commercial operator, agreed to let, and CREST, as charterer, agreed to charter, the M/V SONGA PEACE for two consecutive voyages with mixed hydrocarbons from the Bahamas to Texas.
6. The charter party provided for the resolution of disputes by way of arbitration.
7. Disputes arose under the subject Charter, which, pursuant to the aforementioned clause, were submitted by NAVIG8 to arbitration in New York.
8. CREST retained New York counsel (Hill Rivkins LLP), to represent its in the New York arbitration and nominated its party-appointed arbitrator on January 23, 2015 pursuant to the arbitration clause of the Charter. On June 18, 2015 Hill Rivkins withdrew as counsel for CREST based on CREST's failure to pay its attorneys fees.
9. Despite being presented with NAVIG8's claim and given every opportunity by the New York arbitration panel to respond, CREST failed to participate in the arbitral proceedings aside from nominating its New York arbitrator.
10. The Panel considered all the evidence presented, and on September 11, 2015, issued a Final Award against CREST and in favor of NAVIG8 in the amount of **\$765,436.98** consisting of: (a) the principal claim amount of \$672,894.75, (b) interest in the amount of \$20,670.77, (c) arbitrators' fees in the amount of \$17,400.00 and (d) attorneys fees and costs in the amount of \$54,471.46. (See accompanying Affidavit of Michael E. Unger and certified copy of the Award annexed thereto as Ex. G.)

11. Despite demand, CREST has failed and/or refused to honor the Award.

12. NAVIG8 seeks to confirm the arbitral Award rendered by the New York arbitrators pursuant to the Federal Arbitration Act 9 U.S.C. §1 *et. seq.*, and reduce that Award to a judgment for the purpose of enforcement.

13. NAVIG8 also seeks to confirm the arbitral Award rendered by the arbitrators pursuant to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (“the New York Convention”), 9 U.S.C. §201, *et seq.*

14. A certified copy of the charter party, which includes the agreement to arbitrate, is attached as Ex. A to the accompanying Declaration of David Ownes, and a certified copy of the arbitration panel’s Final Award of September 11, 2015 is attached as Ex. F to the Affidavit of Michael E. Unger.

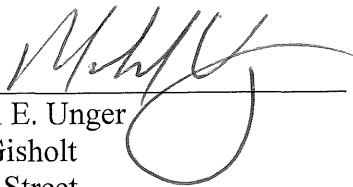
WHEREFORE, PETITIONERS pray:

- a. that process in due form of law according to the practice of this Court issue against CREST citing it to appear and answer or be defaulted for the relief sought herein;
- b. that the Court recognize, confirm and enforce the final arbitration award and enter Judgment in favor of NAVIG8 and against CREST pursuant to the Federal Arbitration Act 9 U.S.C. §1 *et. seq.* and the New York Convention and 9 U.S.C. §201 *et. seq.* in the total amount of the Award, together with interest thereon;
- c. that the Court award the Petitioners their attorneys’ fees, interest and costs incurred in the prosecution of this Petition; and

- d. that Petitioners have such other, further and different relief as the Court may deem just and proper in the premises.

Dated: New York, New York
September 28, 2015

FREEHILL HOGAN & MAHAR LLP
Attorneys for Petitioners
Navig8 Chemicals Asia PTE, Ltd. and
Navig8 Chemicals Pool, Inc.



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TO:

Crest Energy Partners, L.P.
c/o Capitol Services, Inc.
(Registered Agent for Crest Energy Partners, L.P.)
1675 S. State St. Ste. B
Dover, Delaware
19901

ATTORNEY VERIFICATION

State of New York)
) ss.:
County of New York)

Michael E. Unger, an attorney at law, duly admitted to practice in the Courts of the State of New York, affirms under penalty of perjury as follows:

1. I am the attorney for the Petitioners in this matter and have read the foregoing Verified Petition, know the contents thereof and upon information and belief, I believe the matters alleged therein to be true.
2. The reason this Verification is made by me and not by the Petitioners is that the Petitioners reside in a foreign country.
3. The source of my information and the grounds for my belief are communications, papers and reports contained in my file and my having actively participated in the subject arbitration as counsel for the Petitioners.



Michael E. Unger

Sworn to before me this
28th day of September 2015



NOTARY PUBLIC

ANNETTE CARRUBBA
Notary Public, State of New York
No. 01CA4684574
Qualified in Kings County
Certificate Filed in New York County
Commission Expires April 30, 2018